

REMARKS/ARGUMENTS

Claims 1, 23, and 42 are amended to delete the word “about.” Applicants express surprise that Examiner Louie refused to allow the pending claims on the ground that White’s luminescent peak at 3.32 eV was “about” 3.357 eV. This issue was discussed with the Examiner on September 20, 2006 and it was agreed that White failed to anticipate the rejected patent claims. The scope of the term “about” must be given its reasonable interpretation in view of the facts and circumstances. In this case, the claimed luminescent peak is illustrated in Fig. 3. Several discrete peaks are shown, including peaks associated with p-type zinc oxide (3.357 eV and 3.367 eV) and peaks associated with n-type zinc oxide (3.36 eV). White’s disclosed peak at 3.32 eV is well outside the range of the relevant peaks. It is not on the graph of Fig. 3 and not even close to the peaks shown in Fig. 3. If the Examiner’s interpretation were valid, then every peak illustrated in Fig. 3 would be “about” 3.357 eV and indeed, every conceivable peak off the graph of Fig. 3 ranging from 3.32 eV to 3.4 eV would be “about” 3.357 eV. The Examiner’s erroneous interpretation renders the claim limitation meaningless. Therefore, Applicants respectfully submit that it was clear error for the Examiner to reject the claims on the grounds that White’s peak at 3.32 eV was “about” 3.357 eV.

Nevertheless, because of the Examiner’s expansive interpretation of the word “about,” Applicants have deleted the word “about” from claims 1, 23, and 42. Applicants submit that the amended claims clearly exclude White’s peak at 3.32 eV. Applicants interpret the peak at 3.357 eV to include close peaks that may overlap the 3.357 eV peak. White’s peak at 3.32 eV is neither a close peak nor does it overlap the 3.357 eV peak.

The additional arguments presented September 25, 2006 are incorporated by reference. In view of the foregoing, Applicants respectfully request withdrawal of the claim rejections and submit that the pending claims are in condition for allowance.

Applicants respectfully request allowance of the pending claims. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Respectfully submitted,

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